

STEVEN A. HOFFNER

ATTORNEY AT LAW

325 Broadway, Suite 505
New York, New York 10007

tel: 212-941-8330
fax: 646-810-4031

April 25, 2020

BY ECF

Honorable Jesse M. Furman
United States District Judge
United States District Court
40 Centre Street, Room 2202
New York, New York 10007

Re: Tameeka Baker v. City of New York, et al.
20 CV 00589 (JMF)

Your Honor:

I am plaintiff's counsel on the above matter, and I write in opposition to defense counsel's application for a stay of the proceedings. First, a stay is inappropriate because the mere existence of a criminal prosecution of Detective Franco is an inadequate basis for a stay. Also, although Detective Franco was served with the summons and complaint on March 5, 2020, he has not answered or appeared.

I have attempted to talk to his criminal defense attorney, and left a message for him about this lawsuit, but the lawyer did not return my call. Significantly, there are also issues related to the need for discovery in this case, as the three year statute of limitations is due to expire on June 14, 2020.

Depending on the police documents that plaintiff is entitled to, there is a distinct possibility that plaintiff will want to add other police officers as defendants, as they may also be responsible for the malicious prosecution of plaintiff.

Plaintiff is sympathetic to the defendant City's situation as it relates to the difficulties its attorneys' face in dealing with this pandemic. However, plaintiff's rights are potentially prejudiced by any delay and her ability to bring in other defendants may be compromised as well. Finally, there is just no excuse for Detective Franco's failure to answer or otherwise appear, and he should not benefit by his choice to ignore this pending lawsuit, which led to plaintiff spending almost two years in jail because of his malfeasance.

Thank you for your prompt attention to this matter.

Respectfully,

/s/

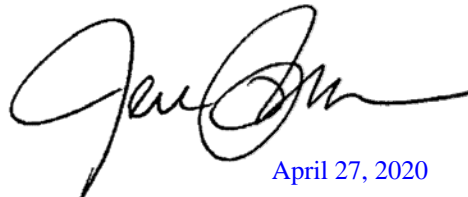
Steven Hoffner, Esq.

The Court will hold a telephone conference on Wednesday, April 29, 2020, at 3:00 p.m., to address Defendants' motion to stay. In advance of the conference, counsel should confer with respect to whether there is limited Section 1983 Plan discovery that would (1) be feasible given the current circumstances and (2) would enable Plaintiff to determine if she has claims against any other parties and to amend her complaint before the applicable statute of limitations runs.

To access the conference, counsel should call 888-363-4749 and use access code 5421540#. (Members of the press and public may call the same number, but will not be permitted to speak during the conference.) Counsel should be sure to consult the Court's Emergency Individual Rules and Practices, available on the Court's website <https://www.nysd.uscourts.gov/hon-jesse-m-furman>, and comply with the rules regarding conferences.

The Clerk of Court is directed to terminate ECF No. 11.

SO ORDERED.



April 27, 2020